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Jens Otterbach

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EXAMINER

TEIXEIRA MOFFAT, JONATHAN CHARLES

ART UNIT

PAPER NUMBER

2863

MAIL DATE

DELIVERY MODE

09/29/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

Applicant's amendments to the claims, filed 9/20/2010 after final rejection, address only formal matters and do not alter the scope of the claimed subject matter. Thus they **will** be entered at this time.

Response to Arguments

Applicant's arguments filed 9/20/2010 have been fully considered but they are not persuasive.

Specifically, applicant argues that prior art Hackett fails to meet each and every limitation of the claims including a triggering initiated by "a first power level".

Applicant supports this assertion by pointing out that Hackett uses a series of synchronization pulses to trigger the timed delay responses of each unit as shown in Figure 1. The examiner agrees with applicant's interpretation of Hackett but respectfully disagrees that the functionality of Hackett does not meet the broadest reasonable interpretation of the claim language as presented.

To explain, the nominal line voltage V_L of Hackett is a "power level", which applicant does not appear to be contesting. Applicant asserts, however, that because the sync pulses begin at this power level and pass through it while oscillating (shown in figure 1) that the timing is not in response to this power level being received. Applicant is correct that V_L is technically received multiple times in the form of an initial and transitory level before and during the sync pulse. However, applicant's claims do not inherently prohibit this from occurring. There is no language in the claim to the effect that this is the first time said "first power level" is received,

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that no other power levels are received prior to or after this "first power level" or even that the "first power level" occurs without any other signaling. From applicant's figure 1, it is clear that there are multiple power levels, and that the claimed "first power level" occurs multiple times in the timing sequence. The units of Hackett, though indeed receiving a sync pulse, only know that the pulse is completed when it returns to a nominal V_L . Thus their delay timing is based upon this final power level.

Even if this were not the case, the claim language specifies that the timing is triggered "at a point in time of receiving a first power level". This does not inherently mean that the timing is even in response to this first power level, but only that it be at that time. As the timing of Hackett occurs at the time of the steady power level, Hackett fully meets the invention as claimed.

To summarize, the line units of Hackett are triggered based upon receiving a sync oscillation followed by a steady "first power level". Indeed the line units would not know that the sync is completed until this steady level indicates so. Thus Hackett meets the claimed limitation of triggering timing "at a point in time of receiving a first power level."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN TEIXEIRA MOFFAT whose telephone number is (571)272-2255. The examiner can normally be reached on Mon-Fri, from 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jonathan C. Teixeira Moffat/
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9/27/2010